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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,870	12/19/2001	Peter Cooper	1076.41017X00	8801

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ANTONELLI, TERRY, STOUT & KRAUS, LLP  
1300 NORTH SEVENTEENTH STREET  
SUITE 1800  
ARLINGTON, VA 22209-9889

EXAMINER

TILLERY, RASHAWN N

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/020,870	COOPER, PETER	
	<b>Examiner</b>	<b>Art Unit</b>	
	Rashawn N Tillery	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 18 December 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/18/04, 4/16/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 9-13 and 16-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Parulski (US6539177).

Regarding claim 1, Parulski discloses, in figures 32-37, a digital camera including an image quality indicator (see col. 28, line 3 to col. 29, line 48).

Regarding claim 2, Parulski discloses, in figures 32-37, a display for displaying an image together with the image quality indicator.

Regarding claim 3, Parulski discloses the image quality indicator indicates whether an image is optimal based on one or more image parameters (Parulski teaches providing quality warnings based on scene brightness; see col. 15, lines 5-61).

Regarding claim 4, Parulski discloses one or more image parameters include light exposure (see col. 28, line 3 to col. 29, line 48).

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Regarding claim 9, Parulski discloses, in figures 32-37, a method of operating a digital camera comprising providing a user interface of the camera with an image quality indicator (see col. 28, line 3 to col. 29, line 48).

Regarding claim 10, Parulski discloses capturing an image (see col. 28, line 3 to col. 29, line 48).

Regarding claim 11, see claim 2 above.

Regarding claim 12, Parulski discloses executing one or more algorithms for determining the quality of the image (see col. 28, line 3 to col. 29, line 48).

Regarding claim 13, see claim 4 above.

Regarding claim 16, Parulski discloses determining whether one the one or more algorithms have found a stable solution (Parulski offers revision suggestions to images that have received poor quality warnings; see col. 37, lines 41-51).

Regarding claim 17, see claim 12 above.

Regarding claim 18, Parulski discloses, in figure 4, a digital camera comprising an image sensor (24), a conversion circuit (104) for receiving signals from the image sensor and producing an image signal, a display (26) for receiving the image signal and outputting an image corresponding to the image signal and a control circuit (81) for controlling the image sensor, the conversion circuit and the display, wherein the control circuit includes a processor (140) configured determine quality of the image signal and to produce a signal for indicating to a user whether the image signal satisfies one or more image quality conditions (see col. 15, lines 12-62).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-8, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski.

Regarding claims <sup>5</sup>~~6~~ and <sup>14</sup>~~15~~, Parulski teaches displaying a quality warning based on image brightness. Parulski does not expressly disclose executing an algorithm for determining a white balance. Official Notice is taken that adjustment of auto-white balance is well known in the camera art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to execute an algorithm to correct image color imbalance in an effort to increase image quality.

Regarding claims <sup>6</sup>~~5~~ and <sup>15</sup>~~14~~, Parulski teaches displaying a quality warning based on image brightness. Parulski does not expressly disclose executing an algorithm for determining a dark reference for an image. Official Notice is taken that effects of pixel leakage current is well known in the camera art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to execute an algorithm to eliminate the effects of dark current since it negatively affects image quality.

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Regarding claims 7 and 8, Parulski teaches a camera capable of displaying an image quality warning. Parulski does not expressly disclose that the camera is housed in a mobile communications device. However, Official Notice is taken that it is well known in the camera art to incorporate digital cameras into other devices, such as mobile telephone handsets. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement such teachings as an obvious variation to Parulski's camera.

### ***Conclusion***

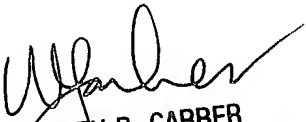
1. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cloutier teaches a camera capable of indicating an exposure value range.
2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rashawn N Tillery whose telephone number is 703-305-0627. The examiner can normally be reached on 9AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 703-305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RNT

  
WENDY R. GARBER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600